

**MINUTES FROM THE HUNTSVILLE CITY COUNCIL MEETING HELD ON THE 15<sup>th</sup> DAY OF DECEMBER, 2009, IN THE CITY HALL, LOCATED AT 1212 AVENUE M IN THE CITY OF HUNTSVILLE, COUNTY OF WALKER, TEXAS AT 6PM.**

The Council met in a regular session with the following:

COUNCILMEMBERS PRESENT: J. Turner, Tom Cole, Mac Woodward, Jack Wagamon, Wayne Barrett, Dalene Zender, Melissa Mahaffey, Charles Forbus, Lanny Ray

COUNCILMEMBERS ABSENT: None

OFFICERS PRESENT: Bill Baine, City Manager; Leonard Schneider, City Attorney, Lee Woodward, City Secretary

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**WORKSHOP SESSION [5:30PM]**

**Council will meet with Planning and Zoning Commission (P&Z) per Resolution 2009-27 regarding interpretation and revision of the Development Code. [J. Turner, Mayor]**

The Mayor said the joint meeting was to look at plans for the Development Code (DC) for the coming year. He said that the process had started by talking about sidewalks, that progress had been made and that now they could talk about directions on other issues such as the retention of Huntsville's natural beauty, vegetation, topography, streams and hills. He said he felt that would be aided by having a vision and that if that vision is in place, Huntsville could achieve it.

The Mayor went on to say that in his travels he has seen the so-called "heartless" big business type buildings and stores built in such a way that a town's local character can be preserved. He said that many businesses looking to relocate can meet requirements if a community is clear up front about what will be expected.

Councilmember Wagamon mentioned community character and how beautiful Huntsville is, and said the trees in particular would be his choice as a priority if they were to look at taking revisions to the DC in bite-size chunks. He said protecting trees from clear cutting of lots has been discussed for years but could easily get lost if not focused on.

The Mayor said "landscaping" in the DC needed more definition so that lots were not clear cut and then replanted with tiny new trees. He felt they could be creative in reworking this and how they were willing to trade off with developers and provide incentives to maintain existing vegetation.

City Manager Bill Baine expressed the importance of managing runoff and setting limits to the amount of hard surface that can cover a lot. He also said citizens were protective of the local vegetation and that the DC did not seem to reflect this.

David Anderson asked if anyone had contacted any "green" cities to see what they were doing, especially those the size of Huntsville. City Planner Aron Kulhavy said his department was constantly in contact with such cities in Texas and other states. He said the challenge was to take these criteria and find a way to make them fit with Huntsville.

The Mayor said they had gathered to discuss what tools they needed and what actions they would need to take to get results. He challenged the City Council and the P&Z to meet again in December 2010 in joint session to talk about what has been done and what needs to be done for 2011. He said the time for action is now, as a developer could come in at any time, and asked if the City would be ready. He said he wanted to make it clear that the Council felt that this was important.

David Anderson said, "it wasn't always what you cut, but what you grow" and that Temple-Inland plants more trees than it cuts. He cautioned against a total ban on cutting trees, that they should keep an eye on green spaces they can have around developments.

Councilmember Cole recommended visiting a city that had "done things right" but also said a lot can be learned from cities that have not been so successful. He gave the example of Grapevine as an overdeveloped community. He said Huntsville has been fortunate to keep its natural beauty as long as it has because of historical circumstances and lack of fast growth.

Councilmember Mahaffey said that some developers replaced existing trees with "buggy whips" and improper planting styles. She mentioned that Austin's ordinances might be stricter than what they wanted, but did protect native old-growth trees. Councilmember Forbus discussed developments that built around large historic trees and that it was possible to preserve them.

Bill Knotts asked if changes might cause an expansion of single family homes to occur within the extraterritorial jurisdiction (ETJ) rather than in the city limits, which he did not necessarily think would be a bad thing, as they had already brought up drainage. The City Manager raised the issue of costs of fire protection, sewer and water service to the ETJ, giving an example of bringing sewer to six families at a cost of \$500,000. He said either the City would have to pay for these services or cause the residents to do so. He further said that having the City install the services retroactively put a big burden on the taxpayers.

Councilmember Wagamon said the City typically only had one big development per year and suggested that until they were able to give the DC "teeth," they get together the Mayor, the City Manager, the City Planner and the Chairman of the P&Z to review the site plan ("not the plat"). He said he thought it was possible that a developer would be quite willing to make a number of concessions to "be a good neighbor" if they were just asked.

Bill Knotts mentioned several developments that were given variances on water, sewer and streets, knowing that in the future the City would have to pay for these improvements. He said they needed to get out of the habit of having the City pave new streets, that it is required of the developer.

Councilmember Barrett said they all knew of cities that have requirements that retention ponds have some aesthetic value, and were sometimes made quite nice, but that in Huntsville there were many retention ponds that were eyesores and often made the area look worse than it had before the pond. He said he did not think this would be a huge burden to developers to keep from building unsightly holes and ditches.

Rowe Creager said he had been wrestling with determining from the DC an appropriate lot size, particularly for a single family residence. He said he felt the DC made trying to figure that out difficult, along with determining requirements for common areas and park space in a development.

The City Manager says that discussions of density & porosity of materials on a lot lead to determining an appropriate lot size, that there is only so large a home that can be built on a 55' lot and still not have more than 41% or 43% hard surface.

Rowe Creager responded that if the P&Z is presented with a plat that meets the specifications of the DC, Texas law requires them to approve it, even though the P&Z does not know what will be built on it and does not approve the plat. Bill Knotts says there is a gap that needs to be closed between the P&Z and City inspections and permits.

Eric Johnston said he felt the meeting in one year was a good goal and that they needed to focus on how they wanted the City to look. He said the P&Z had previously seen Bryan's DC and that it was easy to read and was flow-charted, and suggested that they look at a DC that they liked to think about tailoring it to Huntsville.

The Mayor said he felt the answer would be having a DC to which a developer could conform and the City would still be happy with the result.

The meeting adjourned at 6pm.

#### **REGULAR SESSION\* [6:00PM]**

##### **1. CALL TO ORDER**

Mayor Turner called the meeting to order at 6:05pm.

##### **2. PLEDGES OF ALLEGIANCE**

##### **3. INVOCATION**

Councilmember Barrett gave the invocation.

##### **4. PRESENTATION**

- a. 2009-2010 Youth Advisory Board introduced to City Council. [Meghan Sturrock, Huntsville's Promise Coordinator]

##### **5. PUBLIC COMMENT**

Audrey Wright spoke on animal cruelty and requested an ordinance to protect animals and provide a restraining order.

Charles Smither, Jr. spoke on Ordinance 2010-02, objecting to the strength of the ordinance and the penalties for which it provides. He asked for more work and public discussion on the ordinance.

##### **6. CONSENT-AGENDA**

*(Approval of Consent Agenda authorizes the City Manager to implement each item in accordance with staff recommendations. An item may be removed from the Consent Agenda and added to the Statutory Agenda for full discussion by request of a member of Council.)*

- a. Approve the minutes of the City Council meeting held on December 1, 2009. [Lee Woodward, City Secretary]

- b. Approve the Standard form of Agreement between City of Huntsville and Schaumburg & Polk, Inc. (SPI) for Professional Services related to individual Task Orders. [Tom Weger, Project Manager]
- c. Approve the Standard form of Agreement between City of Huntsville and Jones & Carter, Inc. (JC) for Professional Services related to individual Task Orders. [Tom Weger, Project Manager]
- d. Approve the Standard form of Agreement between City of Huntsville and Klotz & Associates, Inc. (Klotz) for Professional Services related to individual Task Orders. [Tom Weger, Project Manager]
- e. Approve Task Order #1 under the GSA with Schaumburg & Polk for the Sewer improvements for preliminary phase OCR V & OCR VI Project. [Tom Weger, Project Manager]
- f. Approve Task Order #2 under the GSA with Schaumburg & Polk for the Sewer and Drainage improvements for 20th-21st Project. [Tom Weger, Project Manager]
- g. Approve Task Order #1 under the GSA with Jones & Carter for the Water and Sidewalk improvements for the 190 East Projects. [Tom Weger, Project Manager]
- h. Approve Task Order #2 under the GSA with Jones & Carter for the Sewer improvements for Sam Houston/West Mosley Lane area. [Tom Weger, Project Manager]
- i. Approve additional funding and additional infrastructure for the Badger Lane area in the amount of \$129,000 to accomplish the goals of the UU initiative. [Tom Weger, Project Manager]
- j. Approve Ordinance 2010-12 to remove stop signs on Smither Road & Veteran's Memorial, 2<sup>nd</sup> reading. [Aron Kulhavy, City Planner]
- k. Approve Walker County Appraisal District Board of Directors slate for 2010-11. [J. Turner, Mayor]
- l. Approve the funding of reserves for the 1999 TRA contract water bond, and the transfer of \$772,902 from the Water Fund balance as invoiced by TRA. [Winston Duke, Finance Director]
- m. Authorize City Manager to approve the purchase and installation of sludge return pumps and motors to be installed at Robinson Creek Waste Water Treatment Plant from Pump and Power, Houston, TX in the amount of \$58,187.00 (approved budgeted item). [Carol Reed, Public Utilities Director]
- n. Approve Ordinance 2010-14 to authorize the amendment of the adopted Fee Schedule for FY 9-10 to include the permit fee for late hours of \$289.00 per permit. [Winston Duke, Finance Director]
- o. Authorize the City Manager to apply for and accept, if awarded, the FEMA grant, and sign a Financial Certification Letter for the City's portion of the match requirement for the Boys and Girls Club Community Shelter. [Dr. Sherry McKibben, Community Development Specialist]
- p. Authorize the City Manager to accept the offer in the amount of \$15,200 for the sale of the lot owned by the City of Huntsville property in Timberwilde. [Bill Baine, City Manager]

Councilmember Forbus made a motion to accept the consent agenda. Councilmember Mahaffey seconded the motion.

Councilmember Mahaffey confirmed the City Attorney had reviewed the contracts in items b, c and d. Project Manager Tom Weger responded to a question about item g, to say that installing the sewer lines would require the destruction and rebuilding of several driveways. In relation to item h, Mr. Weger said the project would deal with twelve property owners and a 20' easement with an additional 30' working easement, and that the \$95,000 was a rough estimate.

Public Utilities Director Carol Reed responded to Councilmember Mahaffey's question about the Robinson Creek plant that it was running at 40% of design and that she did not believe these were the proper pumps for the application in the first place and had been a continual issue.

In relation to item o, Dr. Sherry McKibben, Community Development Specialist, clarified that the City's in-kind portion was permit fees and that the Boys and Girls Club was responsible for the remainder of the money, through the appraised value of their land and to be garnered through fundraising.

Councilmember Woodward reiterated that there were no additional stop signs to be removed in relation to item j. On item l, Finance Director Winston Duke responded that they were hoping to refinance the bond in February 2010.

Councilmembers Forbus and Ray recalled that there had only been one accident since the signs were removed and Councilmember Ray remembered that prior to the sign removal there had been an accident roughly every three weeks.

Councilmember Wagamon expressed displeasure that the City did not have more votes for the Walker County Appraisal District Board of Directors, but the Mayor explained that votes were prorated according to amount of money collected per entity. Councilmember Woodward reminded the Council that the Board of Directors simply managed the collection of taxes and heard appeals, but did not make decisions on amounts collected.

City Attorney Leonard Schneider asked on item j, that Ordinance 2010-12 be amended to have the new chapter title and name corrected. Councilmembers Forbus and Mahaffey agreed to have their motion to approve so amended.

The motion passed unanimously.

## 7. MAYOR/CITY COUNCIL AND CITY MANAGER REPORT

- a. *Discussion and possible action on appointments to Veterans' Affairs Advisory Board.* [Mayor Turner]

The Mayor said his nominations were seven veterans, and he wanted them to see what could be done to help local veterans to pay a debt of gratitude for their service. He said the board's first meeting would be in January and that they would report back to the Council in six months about what might be accomplished.

The Mayor made a motion to approve his nominations. Councilmember Forbus seconded the motion.

The motion passed unanimously.

- b. ***Discussion and possible action to approve Resolution 2010-12 approving the Southeast Texas Housing Finance Corporation to make Single Family Mortgage Revenue Bonds Series 2009A available for financing single-family homes within the City. [Mayor Turner]***

The Mayor pointed out that the Resolution reads that the City has no liability in regard to the bonds.

The Mayor made a motion to adopt the resolution. Councilmember Woodward seconded the motion.

The City Attorney said he had checked with the Bond Counsel and had reconfirmed the City had no liability.

The motion passed unanimously.

- c. ***Discussion and possible action instructing the City Attorney to draft a resolution for the acceptance of gifts and/or funds for the Huntsville Public Library after renovation. [Councilmember Woodward]***

Councilmember Woodward said the bond for the expansion of the library did not provide for additional furniture, fixtures or related items. He said he had met with the Friends of the Library and that they would like to raise funds for specific needs, and that the Council was charged with accepting gifts on behalf of the City.

Therefore, Councilmember Woodward made a motion to direct the City Attorney to draft a resolution authorizing the Huntsville Public Library Advisory Board to accept donations for the improvements or additional fixtures and equipment for the new library. Councilmember Zender seconded the motion.

Councilmember Ray confirmed that the donations were tax deductible. Councilmember Cole said the Friends of the Library was already able to accept gifts, and Councilmember Woodward said they did not want to have to come before the Council repeatedly, especially if there were large gifts made.

Councilmembers Forbus and Woodward agreed that it was basically a preapproval to accept any such gifts.

The motion passed 8-1, with Councilmember Cole voting against the motion.

- d. ***Discussion and possible action to adopt Ordinance 2010-2 to prohibit the sale of animals along roadsides and in parking lots and discussion on reviewing, possibly updating and putting all regulations concerning animals into one ordinance, third reading. [Councilmember Mahaffey and Councilmember Forbus]***

Councilmember Mahaffey pulled the item.

- e. ***Discussion and possible action to approve Hotel Occupancy Tax funding request from Samuel Walker Houston Museum and Cultural Center for \$9,000, as recommended by Hotel Occupancy Tax Board. [Councilmember Forbus]***

The Mayor said he was filing an Affidavit of Conflict of Interest for this item and turned the Chair over to Mayor Pro Tem Ray.

Councilmember Forbus made a motion to approve the recommendation of the Hotel Occupancy Tax Board. Councilmember Cole seconded the motion.

Councilmember Forbus said the HOT Board recommended approving \$9000 of HOT Funds for the marketing of the Samuel Walker Houston Museum and Cultural Center biennial summer event. Councilmember Ray said the Museum had made a good case to the HOT Board for how the funding would allow them to try to increase participation and bring in more out-of-town attendees.

Councilmember Forbus said Kimm Thomas, Director of Tourism and Cultural Arts, had developed an item to aid in tracking out of town stays and evaluating the relative success of the event.

The motion passed 8-0, with Mayor Turner abstaining.

The Mayor Pro Tem returned the Chair to the Mayor.

**f. Discussion on report of Hotel Occupancy Tax Board meeting of December 8, 2009. [Councilmember Forbus]**

Councilmember Forbus said the HOT Board had finalized the HOT Funding Application packet. He said they also discussed possible nominees for a feasibility committee for an indoor arena/expo center.

Councilmember Ray said they were gathering potential committee candidates and had had a great deal of response. He also mentioned the HOT Board had looked at studies of other facilities, and said that among the ones they had reviewed, it could be expected that the City would likely need to contribute a \$100,000-\$250,000 annual operating cost, and a ballpark total cost of \$7-15 million, depending on scope and size. He said the HOT Board would meet in January and finalize a list of recommendations for nomination by the Mayor.

Councilmember Forbus asked interested parties to contact the City Secretary.

Councilmember Forbus said the HOT Board had also viewed a proposed brochure created by Kimm Thomas, and that the next HOT Board meeting would be January 14, 2010.

Councilmember Wagamon said he was pleased to know that a bond election would be required for funding an indoor arena/expo center of this size. Councilmember Ray said the HOT Board did intend the item to go to a bond election.

**g. Discussion as to current status of Ravenwood development, specifically:**

- to what degree have public improvements been completed?
- when is the next scheduled meeting for the TIRZ board?
- when can the Council expect a report on the 380 sales tax rebate for 2009?
- has the City Attorney received any information regarding potential legal action against the City by Ravenwood, Ltd., Property Commerce or any of their partners? [Councilmember Wagamon]

The City Manager said he and the City inspectors had inspected the public improvements with the exception of about \$300,000, and that he had sent letters to the CEO of the company and to their bank to freeze their bond. He said the incomplete items were the sidewalks, but was satisfied that the City was adequately reserved for those items.

The Mayor said the City is required to file an annual report of TIRZ activities, and that the TIRZ Board typically meets to review that report, prepared by Schrader and Klein. He said it was his understanding that Schrader and Klein had been instructed to start pulling material for the report, and that this was done in February for 2009.

The Mayor also pointed out that the TIRZ Board does not meet regularly and is not required to do so by ordinance. He said the Board meets when there is a project to be reviewed or when there is an annual report to review. He said there was a limited likelihood of additional projects within the TIRZ, due to its current size.

The Mayor said that the Walker County District Attorney advised the Walker County Commissioner's Court, at their meeting on December 21, 2009, that the Interlocal Agreement is no longer valid in his view, and that it would be illegal for them to contribute money to the TIRZ. The Mayor said the Court expressed interest in renegotiating an interlocal agreement and escrowing the money until such time as a new interlocal agreement is completed.

The Mayor said he instructed the Court to forward to him the parameters to be considered, as the City Charter states that the Mayor or his designee handles all agreements with other governmental bodies. The Mayor summarized by saying that there was not a TIRZ meeting currently set and that he would receive input from the Council as to what would be an appropriate relationship regarding the possibility of a new interlocal agreement.

In response to Councilmember Ray's question, the Mayor said the Court had been opaque in their discussion of a renegotiated agreement, which was why he had requested more specificity. Councilmember Ray gave a brief recitation of the history of the interlocal agreement and the revisions made to the TIRZ. The Mayor pointed out that the City's liability is limited only to its contractually agreed upon portion of sales tax and that of other entities only when given to the City, but there is no claim against any of the City's revenue streams.

The City Manager said the Finance Director, Winston Duke, will begin to include reports on the 380 sales tax rebate in the monthly City Manager reports, but that it is typically two to three months behind due to receipt of information from the state and compilation of the report. He said he would be surprised if it was more than \$60,000 for the year, and that the money was being regularly escrowed. Mr. Duke said they have only received three reports from the state, that the reports come about three weeks after the money is received, and that they are received two months behind.

The City Manager said he would characterize the City's relationship with Property Commerce as fair to good at the working level, and that the City had been very direct with their need to safeguard the bond money against the

public improvements. He said he expects some resolution within the next couple of months and that there had been absolutely no suggestion of any legal action with the City and that he would be surprised if there would be any. He said they had every intention of living up to the spirit and the letter of the agreement.

Councilmember Wagamon said he put this item on this agenda because the last he had heard was when he had read in the Walker Free Press that company officials had spoken to the local Rotary Club and said they expected to be in litigation with the City for the next 18-24 months. He said the Council has not received promised updates, and that he would characterize the relationship with the Council to be poor.

Councilmember Ray said his memory concurred with Councilmember Wagamon's and asked if they City had received anything to recant the assertion made that there would be litigation with the City. City Attorney Leonard Schneider said based on what he had heard in this meeting and what he had received in his office, the only demand for legal action by Property Commerce was to the prior City Attorney, Thomas Leeper. Mr. Schneider said he believed Mr. Leeper had responded to that and that there had been nothing since, neither recant nor action.

**h. Discussion regarding citizen petition for stop signs on Brunch Street. [Councilmember Wagamon]**

Councilmember Wagamon said there had been a request from last summer from citizens to slow down traffic on Brunch Street. The City Manager said there would be a stop sign installed in the morning (December 16, 2009).

The City Manager also mentioned that a number of stolen signs had actually been recovered for the City that very day.

Councilmember Woodward recalled the request a few months ago from approximately seventeen citizens on Avenue S, and asked what it would take to get a stop sign there or some attention to their traffic issue. The Director of Public Safety, Allwin Barrow, asked that councilmembers contact him or the Police Department for any complaints of speeding or traffic issues.

The City Attorney said that for a traffic control device request, the Police Department would investigate and then make a recommendation to the Council. He said the Code of Ordinances then required a traffic study before installing a traffic control device.

Councilmember Woodward said he supported Councilmember Wagamon's proposals on behalf of his ward, and wanted to know that every councilmember would get the same response, as there were probably similar issues all over town, and that there needed to be a consistent way to deal with traffic and transportation situations.

**i. Discussion of Parks Master Plan as it applies to renovation of Kate Barr Ross Park. [Councilmember Wagamon]**

Councilmember Wagamon spoke about proposed ball fields and said that he would be pursuing improvements to Kate Barr Ross Park in the next budget cycle.

**j. City Attorney's Report  
(The Mayor permitted the City Attorney to begin with item 2)**

**1. Discussion and possible action on status update on dissolution of Raven Hills Higher Education Corporation.**

The City Attorney explained that state law that the Secretary of State can involuntarily dissolve a corporation, as was done with the Raven Hills Higher Education Corporation for not meeting filing requirements. He said that when the paperwork was sent to the Secretary of State when the Council voted to dissolve the Corporation, it was returned, to the net effect that the Council can reinstate and redissolve it or leave it as is. Either way, he went on, it takes three years after dissolution for full absolution of any actions of a corporation. Mr. Schneider said his legal opinion was that there was nothing to be gained reinstating and dissolving it again, so he would just let it lie.

The Mayor asked what action would be required to resurrect the Corporation, and the City Attorney said the Council would have to pass a resolution to do so, and then paperwork would be completed and filed with the Secretary of State. The Mayor said he would follow the City Attorney's advice.

Councilmember Forbus asked when the state dissolved the Corporation, Councilmember Ray said it was October 8, 2008. Councilmember Forbus then clarified with the City Attorney that if the Corporation were reinstated and then dissolved, the three year period would be reset to the date of dissolution.

The City Attorney said he had checked with the Bond Counsel several times and had consistently been told the City had no liability. Councilmember Ray said his research discovered that the Corporation has in excess

of approximately \$153 million in outstanding bonds. Councilmember Ray said he did not have a comfort level with leaving this Corporation out there, or did the City have some obligation. He went on to say that he would at least like to see the wording of the actual bond saying that the City was not liable.

The City Attorney said he did rely on the expertise of the Bond Counsel but understood Councilmember Ray's concern and would get copies of the documents. He said he expected that the face of each bond would say that the City was not liable, and would notify the Council immediately if he were wrong.

The Mayor said that in light of the continued discussion, he would like to withdraw his decision to leave the matter as it was, and that he felt more investigation would be prudent. The City Attorney said he would report back to the Council on this issue.

Councilmember Cole asked if the Councilmembers who originally entered into these agreements expected some benefit, that the community and Sam Houston State University (SHSU) had seen no benefit. Councilmember Ray said that, according to the minutes, this was to build student housing throughout the university system and that one of the key reasons given in 2001 was to improve SHSU, but none of the projects actually happened in Huntsville.

Councilmember Woodward asked how a corporation with \$153 million in outstanding debt could be dissolved, and also wanted to know where the assets were. He said he assumed that this was a situation when a corporation is allowed to issue bonds under a city's umbrella. The City Attorney confirmed this to be his belief and said he would verify it.

Councilmember Barrett said that the City's name was on the bonds, whether the City had liability or not, and would like a report on what happened to this Corporation and find out what was going on as they were associated with it.

The Mayor said he would like to echo Councilmember Barrett's comments, that this was his initial concern, of having a board containing names of deceased persons, and of which the terms of all the members had expired, that he felt this was something that needed to come to Council to either get rid of the Board or make nominations for current members.

The City Attorney renewed his commitment to report back to the Council.

**2. Discussion and possible action to approve Ordinance 2010-13 to implement the Cost of Service Agreement (COSA) with CenterPoint Energy Texas Gas Operations.**

The City Attorney said he had consulted with Stephen Mack, outside counsel for the City, and that Mr. Mack had approved this ordinance. Mr. Schneider said the issue was whether the COSA ordinance had had two readings in compliance with recent Charter amendments.

Mr. Schneider said that he and Mr. Mack agreed that Ordinance 2010-13 does not amend the franchise ordinance and is not subject to that two reading requirement. He said it was subject to the general two reading rule, but that it could be waived by a two-thirds vote of the Council. Mr. Schneider said John Seale of CenterPoint was available to answer question, and that the Council could choose to read it again in January, but that his own (Mr. Schneider's) preference was that the Council vote tonight and finish things up.

Councilmember Woodward made a motion that the two reading rule be waived and the ordinance be adopted. Councilmember Wagamon seconded the motion.

Mr. Schneider said this was part of the packet but failed to get in front of Council in September, so things had already been delayed a little. John Seale spoke to say that nothing has changed and that the franchise agreement itself had already been approved.

The Mayor called for a vote on waiving the two reading rule.

The motion passed unanimously (9-0), exceeding the two-thirds required.

Councilmember Woodward made a motion to adopt the ordinance. Councilmember Wagamon seconded the motion.

The motion passed unanimously.

**k. City Manager's Report**

**1. Information about recycling pilot program.**

~~Carol Reed, Public Utilities Director, updated the Council on the Automated Curbside Recycling Pilot~~

Program, saying the carts and guidelines had been delivered to Elkins Lake residents, and the guidelines were also posted on the website and Channel 7. She said they had held three public meetings at Elkins Lake and were set to have the first pickup on January 7, 2010. She also said there had been some concerned feedback but also lots of positive feedback.

Councilmember Forbus told Ms. Reed that the cans were beautiful and thanked her. He also confirmed with her that participation was voluntary. He said he felt that someone who recycled would reduce their trash by more than half, and also thanked Ms. Reed and said she had done a very good job on the pilot program.

Councilmember Barrett said he supported the pilot program, but had heard a consistent concern about the change in the Thursday schedule, and feared that a reaction to the change in pickups might negatively impact the feeling about the recycling pilot. He said he understood it was also an economic issue and did not know if anything could be done, but wanted to express what he had heard and the concern that reduced trash pickup might be a sticking point for some residents.

Ms. Reed responded that this probably had been the major concern, but that the decision had been made in response to researching other communities, and it had been found that neighborhoods that actively recycled had a significant reduction in the amount of garbage collected. She said they were anticipating a similar result. She also said that they had planned the program so they could use the same staff and vehicles, and needed to allow time for processing of recyclables between pickups.

Ms. Reed said she had requested of residents who had concerns that they at least try to recycle for a month or two, and that residents could request an additional garbage cart or a larger garbage cart, as needed, if they found that they needed an option on the weeks with a single garbage pickup day. She said they were open to amending the plan if difficulties arose during the pilot.

Councilmember Barrett said he felt it was very important, in evaluating the pilot, if persons were dissatisfied with recycling itself, or just with the scheduled pickup frequency. Ms. Reed said she felt that the expansion of the program would have to go hand in hand with reduced garbage pickup, especially if they hoped, as planned, not to charge a fee for recycling.

Mayor Turner said he was very proud of the City's approach to recycling by doing a limited prototype that could be evaluated, rather than jumping into it with no alternatives. He said it was good to start small and learn from issues that may arise.

Councilmember Ray recalled that the original ordinance a year ago was to do a pilot and see how it works best. He said he also had heard concerns over not having twice a week pickup every week, and asked those residents what they were putting in their cans. He said this was the first place he'd lived where someone got twice a week pickup, never mind 96 gallons. He said he couldn't fill it once a week, and he and his wife had three kids, and even sparser once recycling was pulled out.

Councilmember Cole asked Ms. Reed if they could include in their evaluation a determination of the effect of the pilot on local recycling businesses, that he was uncomfortable having the City in competition with private enterprise.

Ms. Reed said they were working in conjunction with Try 2 Recycle, and already had an arrangement with them to pick up from the City recycling center and would bring them the same products from the Elkins Lake pickup. The City Manager said he felt the majority of the waste stream ends up in the landfill and already an issue with the water coming out. His thought was to have Channel 7 film what is going to the dump, and that they intend to use incarcerated labor to sort the recyclables, and that recycling is a good thing.

## **2. Information about updated alarm ordinance.**

The City Manager said some local businesses had upward of 49 false alarms, that the City's false alarm ordinance had no teeth in it and the City didn't charge much to have an alarm or for successive false alarms. He said the police have to respond to these every night when they could be doing other things, so he would be asking for an ordinance asking for higher fees for false alarms.

## **8. PUBLIC COMMENT**

There were no additional public comments.

## **9. ADJOURNMENT**

The meeting was adjourned at 8:07pm.



CITY COUNCIL MEETING of December 15, 2009

  
Lee Woodward, City Secretary

BOOK "U"

**PRESENTED TO COUNCIL**

approved 1/5/10